

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**ORLANDO MONTES, as Personal Representative
of Viola Montes and individually,**

Plaintiff,

v.

No. 2:16-cv-00126-JCH-SMV

**PINNACLE PROPANE, LLC;
COUNTY OF LINCOLN by
and through its County Commission;
LINCOLN COUNTY FAIR ASSOCIATION, a not for profit
Corporation; ALLEN SULTEMEIER, individually and
As a management employee of Pinnacle Propane, LLC,
CHRISTOPHER OLSON, in his capacity as Pinnacle
Propane LLC employee and individually;
ROBERT L. SHEPPERD, individually and in
his official capacity as Lincoln County Sheriff,
BILLY BOB SCHAFER, individually and in his official
Capacity as President of the Lincoln County Fair Association,**

Defendants.

**ORDER DENYING THE AMENDED MOTION TO COMPEL DEFENDANT
SULTEMEIER'S ANSWERS TO WRITTEN DISCOVERY**

THIS MATTER having come before the Court on Plaintiff's Amended Motion to Compel Defendant Sultemeier's Answers to Written Discovery [Doc. 75], and the Court having considered the Amended Motion [Doc. 75], Defendant Sultemeier's Response in Opposition to Plaintiff's Motion to Compel [Doc. 97], and Plaintiff's Reply to Defendant's Sultemeier's Response [Doc. 105] as well as oral arguments of the parties, hereby finds that Plaintiff's Amended Motion to Compel Defendant Sultemeier's Answers to Written Discovery is not well-taken and shall be denied. The Court further finds that Defendant Sultemeier has not waived his

privilege against self-incrimination as guaranteed by the Fifth Amendment of the United States Constitution.

IT IS HEREBY ORDERED that Defendant Sultemeier has not waived his privilege against self-incrimination as guaranteed by the Fifth Amendment of the United States Constitution and hereby denies the Plaintiff's Amended Motion to Compel Defendant Sultemeier's Answers to Written Discovery.



HONORABLE STEPHAN M. VIDMAR

Respectfully submitted,

RAY, McCHRISTIAN & JEANS, P.C.

By: /s/ Grieta A. Gilchrist

Jeff Ray
Deena L. Buchanan
Grieta A. Gilchrist
6000 Uptown Blvd., NE, Ste. 307
Albuquerque, NM 87110
Tel: (505) 855-6000
Fax: (505) 212-0140
jray@rmjfirm.com
dbuchanan@rmjfirm.com
ggilchrist@rmjfirm.com
Attorneys for Defendant Sultemeier

APPROVED:

electronically approved 09/22/16
J. Robert Beauvais
P.O. Box 2408
Ruidoso, NM 88345
575-257-6321
jrbldw@windstream.net
Attorneys for Plaintiff

electronically approved 09/22/16

H. Brook Laskey
Kevin J. Banville
McCoy Leavitt Laskey, LLC
1805 Rio Grande Blvd. NW, Suite 2
Albuquerque, NM 87104
505-246-0455
blaskey@mlllaw.com
kbanville@mlllaw.com
Attorneys for Pinnacle Propane

electronically approved 09/26/16

Brandon Huss
Dennis K. Wallin
Wallin, Huss & Mendez, LLC
P.O. Box 696
Moriarty, NM 87035
505-832-6363
505-814-5805 FAX
bh@whmlawfirm.com
dkw@whmlawfirm.com
*Attorneys for County of Lincoln and
Lincoln County Fair Association*